

**RICHARD P. POINTER, ESQ., SBN: 86630**  
HINKLE, JACHIMOWICZ, POINTER & EMANUEL  
2007 W. Hedding Street, Suite 100  
San Jose, Ca 95128  
Telephone: (408) 246-5500  
Facsimile: (408) 246-1051

Attorneys for Defendant  
**RAMON LOPEZ-AGUILAR**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	NO: CR-08-00014-JF
	)	
Plaintiff,	)	<b>STIPULATION AND (PROPOSED)</b>
	)	<b>ORDER FOR CONTINUANCE</b>
vs.	)	<b>OF STATUS HEARING</b>
	)	
RAMON LOPEZ-AGUILAR,	)	
	)	
Defendant.	)	
_____	)	

Defendant, Ramon Lopez-Aguilar., through counsel Richard P. Pointer and the United States through Jeffrey Schenk hereby stipulate to the continuance of the status hearing from September 10, 2008, at 9:00 a.m., to October 1, 2008, at 9:00 a.m. It is agreed between the parties that the following reasons exist for this stipulation:

(1) Defense counsel is in trial in state court in the matter of People vs. Raymundo Rivera, case number: CC632875.

No party objects to the requested continuance.

IT IS FURTHER STIPULATED that the time for trial under the Speedy Trial Act continue

1 IT IS SO STIPULATED.

2 Respectfully submitted,

3 Dated: September 5, 2008

\_\_\_\_\_  
/s/

Richard P. Pointer  
Attorney for Ramon Lopez-Aguilar

5 Dated: September 5, 2008

\_\_\_\_\_  
/s/

Jeffrey Schenk  
Assistant United States Attorney

**RICHARD P. POINTER, ESQ., SBN: 86630**  
HINKLE, JACHIMOWICZ, POINTER & EMANUEL  
2007 W. Hedding Street, Suite 100  
San Jose, Ca 95128  
Telephone: (408) 246-5500  
Facsimile: (408) 246-1051

Attorneys for Defendant  
**RAMON LOPEZ-AGUILAR**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	NO: CR-08-00014-JF
	)	
Plaintiff,	)	
	)	<b>ORDER OF CONTINUANCE</b>
vs.	)	<b>OF STATUS HEARING</b>
	)	
RAMON LOPEZ-AGUILAR	)	
	)	
Defendant.	)	
_____	)	

Based on the stipulations of the parties, the court HEREBY ORDERS that the status hearing scheduled for September 10, 2008, at 9:00 am., is continued to October 1, 2008 at 9:00 a.m.

THE COURT FURTHER ORDERS time be excluded under the Speedy Trial Act from September 10, 2008, to October 1, 2008. The court finds, based on the aforementioned reasons, that the ends of justice is served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. section 3161(h)(8)(A) and (B)(iv).

JEREMY FOGEL  
United States Magistrate Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25